

REMARKS

Claims 21-45 are pending. By this Amendment, the specification is amended for clarity. Claims 1-20 are canceled without prejudice to or disclaimer of the subject matter recited in the claims. Claims 21-45 are added. Support for added claims 21-45 can be found in the original claims and throughout Applicant's specification. No new matter is added by the amendments. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Claim 1 is provisionally rejected on ground of nonstatutory obviousness-type double patenting over claim 1 of co-pending U.S. Patent Application 11/543,772. Claim 1 is canceled rendering the rejection moot.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) over Nishi (U.S. Patent No. 6,400,441) in view of Takahashi (U.S. Patent No. 5,610,683). Claims 1-20 are canceled rendering the rejection moot.

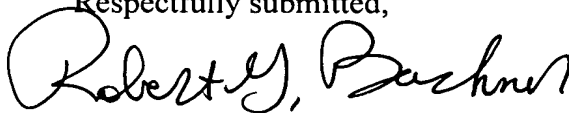
Claims 21-45 are patentable over the applied references. In particular, Nishi in view of Takahashi fails to disclose, or render obvious, the features of "a measurement device position at the measuring station, which measures a second one of the movable members or a substrate held by the second movable member at the measuring station, wherein a liquid is partially disposed on the second movable member or on the substrate held by the second movable member," as recited in independent claim 21; "measuring a second one of the movable members or a substrate held by the second movable member at the measuring station, wherein a liquid is partially disposed on the second movable member or on the substrate" as recited in claim 35; and "a second liquid supply device that forms an immersion area partially on a substrate held by a second one of the movable member at the measuring station" as recited in independent claim 42. Claims 22-34, 36-41, 44 and 45 also are patentable by their dependence on claims 21, 35 and 42 for at least the reasons discussed

above regarding claims 21, 35 and 42 and for the separately patentable features recited in the enumerated claims.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

Robert G. Bachner
Registration No. 60,122

MAC:RGB/jls

Attachments:

Petition for Extension of Time
Amendment Transmittal

Date: June 30, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--